

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

March 8, 2004

SUBJECT: Use Permit Applications
USE2003-00671, 00672,
00673, 00674

Applicant: Federal Realty Investment
Trust/City of Rockville/RD
Rockville, LLC

Owner: Federal Realty Investment
Trust and City of Rockville

Date Filed: December 2, 2003

Location: Area bounded by Middle Lane,
North Washington Street,
Beall Avenue, and Hungerford
Drive/Rockville Pike



REQUEST:

- The applicant requests approval of four Use Permits that together comprise the buildings for the Rockville Town Square project. This is a mixed-use project including retail, multi-family residential, new streets, and a public plaza.

PREVIOUS RELATED ACTIONS:

Preliminary Development Plan PDP2003-00005 was approved by the Planning Commission on August 6, 2003.

Use Permit USE2003-00670, for the public improvements and infrastructure for the Town Square project, was approved by the Mayor and Council with conditions on February 18, 2004.

Use Permit USE2003-00662, for the new Montgomery County public library, was approved by the Mayor and Council with conditions on September 22, 2003.

BACKGROUND

On August 6, 2003, the Planning Commission approved Preliminary Development Plan (PDP) application PDP2003-00005 for the Rockville Town Square project. This approval covers the development generally referred to as the Town Square, and is a joint project of the City, Federal Realty Investment Trust (FRIT) and RD Rockville, LLC. The PDP provides a conceptual blueprint for the scope of the proposed development, covering items such as maximum densities, building heights and envelopes, and the proposed development mix. A number of conditions

were attached to the development approval, which are shown in the approval letter (Attachment 3).

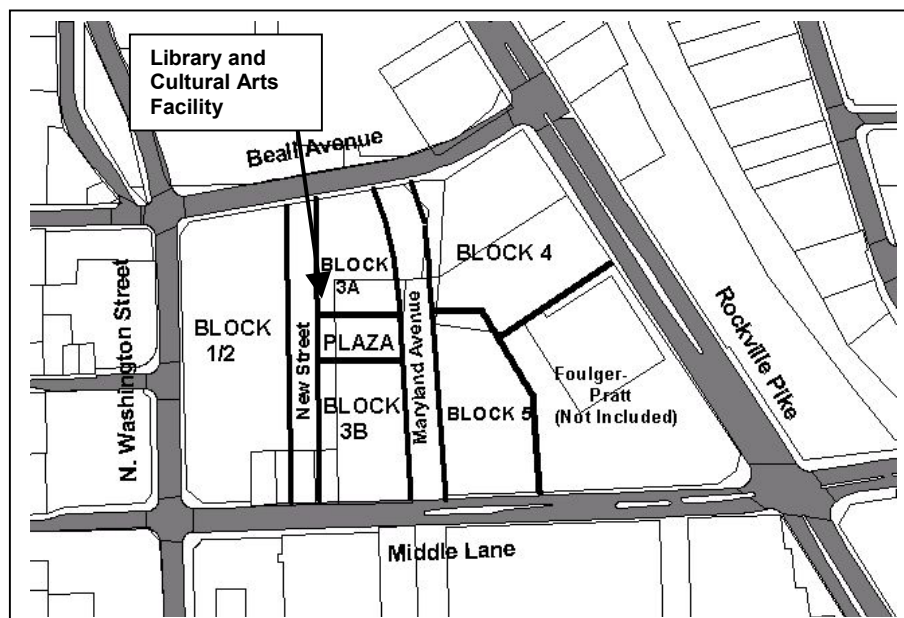
In early November, on behalf of the City, Federal Realty Investment Trust (FRIT) submitted Use Permit application USE 2003-00670 for the public improvements required for the Town Square project (approved February 18, 2004). This was followed in early December by the filing of Use Permit applications USE2003-00671 through 674 for Blocks 1&2, 3B, 4 and 5 by RD Rockville, LLC. Together, the use permit applications provide the final step prior to the issuance of building permits, and thus must address any outstanding issues that have been raised during the course of the review process.

Section 25-681 requires the Mayor and Council to act on a use permit for properties in the Town Center that are either owned by the City or have been sold by the City. The Planning Commission has traditionally reviewed and commented on a use permit prior to action by the Mayor and Council. Due to the complexity of these cases, the Planning Commission and the Mayor and Council will hold joint meetings to hear each other's comments. These applications are to be heard at the final joint meeting, scheduled for March 11, 2004.

PROJECT OVERVIEW

The PDP approval set the general size and character of the proposed development. The Use Permits must conform to the requirements of the PDP approval. The approved PDP allows for the following development:

Retail Commercial:	184,563 gross square feet
Multi-family residential:	777 dwelling units (including MPDU's)
Public Library:	102,522 gross square feet
Cultural Arts Facility:	25,900 gross square feet
Maximum building height:	5 stories or 75 feet for blocks 1&2, 3B and 4 10 stories or 120 feet for block 4



The Public Library is a County facility, and has already received Use Permit approval and building permits are being reviewed. The Cultural Arts Facility is a City-sponsored project and will be developed under a separate use permit.

The combined total development proposed by the submitted Use Permit applications is as follows:

Retail Commercial: 167,356 gross square feet
Multi-family residential: 632 dwelling units (including MPDU's)

Maximum building height: 6 stories or 75 feet

Development Summary by Block				
Block	Retail	Residences	Parking Spaces	
			Residential	Public
1/2	72,800	234	234	234
3B	38,317	142	260	0
4	20,948	108	250	789
5	35,291	148	165	104
Total	167,356	632	909	1,127

As can be seen, the Use Permit applications propose reductions in the amount of development compared to the PDP approval. The reductions are 145 dwelling units and 17,207 square feet of retail space. Of that amount, 11,744 square feet of retail space is assigned to the Cultural Arts building and not included in these applications, leaving a reduction in the Town Square project of 5,463 gross square feet. There is expected to be about 400 additional square feet of commercial space in the permanent kiosks that are proposed to be located in the public plaza. We note that the application calls for up to 6 stories in some of the blocks, as opposed to the 5 stories shown in the approved PDP plan. The PDP plan does provide for heights up to 75 feet on blocks 1&2, 3B and 5, which can accommodate the extra story. Block 4 was approved for up to 120 feet and 10 stories. The PDP plan will need to be amended to reflect the minor change in the number of stories for Block 5. The Planning Commission may approve this minor modification by a separate motion that either deletes the number of stories limitation or changing it to 6 stories. The approved maximum building height for Block 5 remains at 75 feet.

The proposed residential development consists of both rental and condominium units. The current proposal is for the 234 units in Blocks 1&2, and the 108 units in Block 4 to be rentals (a total of 342 units) while the balance of 290 units in Blocks 3B and 5 will be condos. A total of 95 MPDU's will be provided.

The design of the Town Square project seeks to create a mixed-use neighborhood that appears to have been developed over time rather than as a single project. To achieve this goal a number of techniques have been used such as multiple architects designing multiple building facades, including a variety of building styles, a variety of building materials, variety in window types and alignment, variety in cornice heights (top of the building and between the retail and

residential), variety of roof treatments, and variety in retail storefront designs. When designing a project to achieve this goal, standard design elements and uniform heights/widths can quickly give the neighborhood the look of single project. Like any urban neighborhood, there will be elements that deviate from the norm and provide variety. These can include buildings that are taller than their neighbors, different architectural styles, a different streetscape in front of an individual building, a stretch of narrow sidewalk, different paving materials, different sign styles, different awning styles, etc. Many of the neighborhoods such as Annapolis and Alexandria that have been cited as models for mixed-use urban development display these characteristics precisely because they have been built over time.

A Commercial Management District is being prepared that will specify the maintenance responsibilities for the private developers as regards sidewalks, street tree maintenance, plaza maintenance, and other possible factors. This CMD will need to be in place before the building permits are issued.

Below is a summary of what each of the applications proposes:

Blocks 1&2: USE2003-00672

Blocks 1&2 essentially comprise the area currently occupied by the Magruder's shopping center. It extends the entire distance from Middle Lane to Beall Avenue. It is proposed to contain 72,800 gross square feet of retail space (including a Magruder's grocery store), and 234 rental apartments on the second through fifth floors. Parking for 234 public spaces and 234 residential spaces is proposed. All of the parking spaces in the garage are 9 feet wide.

Vehicular access to the block is provided by two entrances. The main entry is from North Washington Street into a surface parking lot and garage, the northern half of which will be open and serve the Magruder's grocery store. The southern half will be under the residential units and parking garage. The additional garage entry will have right-in, right-out access from Middle Lane. The loading docks for the grocery store are located under the residential building with an entry from Beall Avenue. Two pedestrian "vias" provide access through the block from North Washington Street to "Market Street" and the plaza. The pedestrian area between North Washington Street and the "via" must be raised from the level of the parking surface for safety. Also, a minimum 14-foot wide drive aisle is required between the parcel pick-up area of the grocery store and the parking spaces.

The facades on North Washington Street and Beall Avenue provide an opportunity for special treatment. At the street level, the façade needs to screen the surface parking lot on the south side, and serve as a wall for the grocery store on the north side. Because of the internal design of the grocery store, there can be no windows into the interior from the street. As a consequence, the design of the façade south of the driveway provides for arched openings that will be filled with a decorative grillework. This provides an opportunity for artistic treatment, within the needs for maintaining sufficient openness for air circulation in the garage.

North of the driveway, additional niches will provide space for additional artworks, most likely in the form of mosaics or murals. At the corner of North Washington and Beall Avenue, the corner of the building at the street level is proposed to be scalloped back into the building,

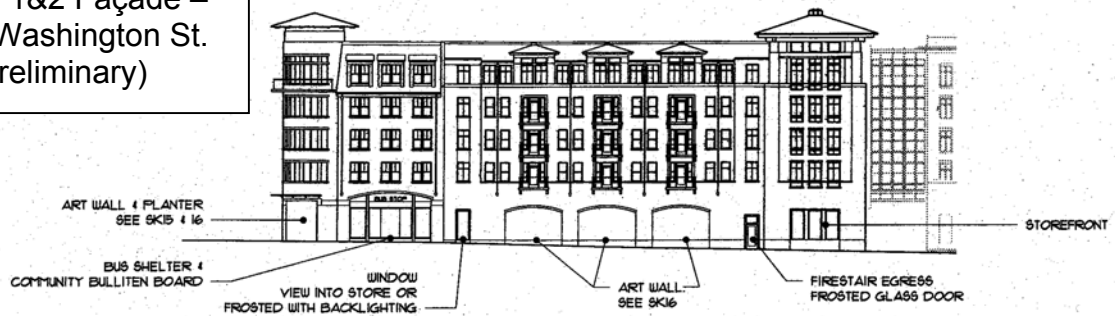
leaving the corner tower with a canopy to provide shelter and also another opportunity for art on the back wall. This can be integrated with an adjacent proposed bus shelter that will be constructed on the northwest side of the building and includes display window/community bulletin board.

The Beall Avenue façade will continue the treatment theme from the North Washington Street façade, with niches providing an opportunity for decorative planting trellises or other art works. There will also be several windows with frosted glass in the walls in front of the loading dock. These windows will provide light into the dock area without having this area be visible from the sidewalk.

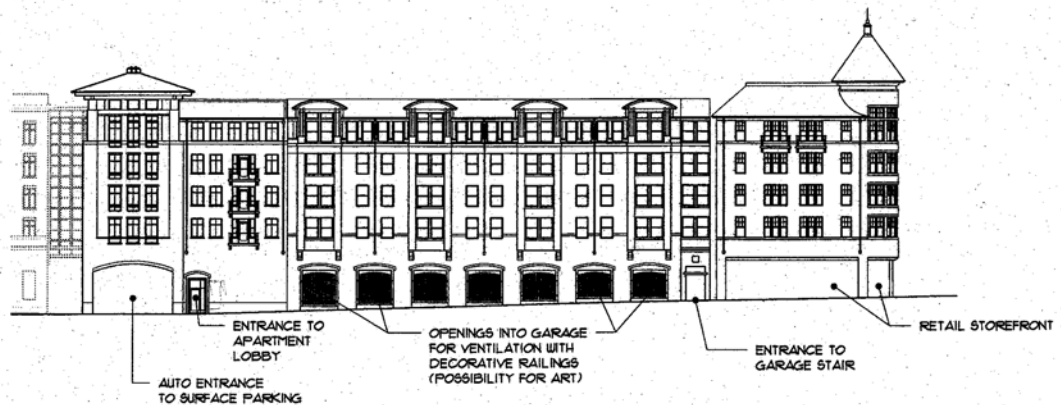
Blocks 1&2 Façade – Maryland Ave.



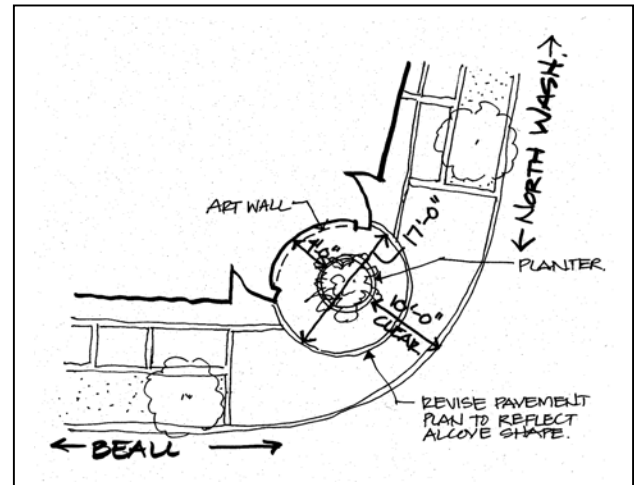
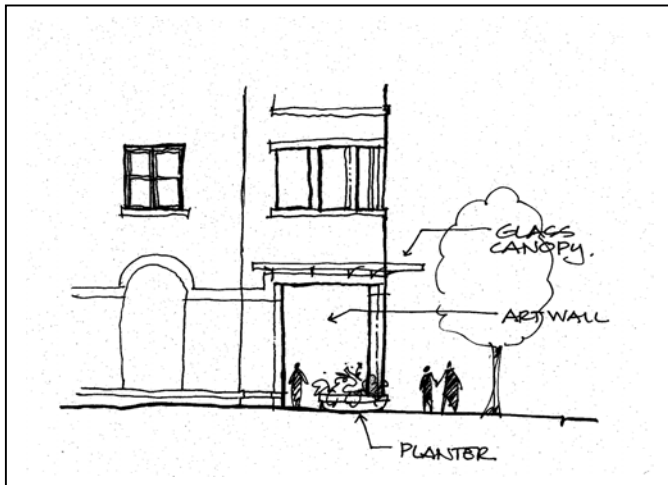
Blocks 1&2 Façade –
North Washington St.
(Preliminary)



1. BLOCK 1, NORTH WASHINGTON ELEVATION



2. BLOCK 2, NORTH WASHINGTON ELEVATION



Preliminary Design Solution – Blocks 1 & 2 @
Corner of N. Washington St. and Beall Ave.

Blocks 1&2 Façade – Beall Ave.



Block 3B: USE2003-00671

This application proposes a building that will contain 38,317 gross square feet of ground-level retail space and 142 condominium apartments on the second through fifth floors. There will be two levels of below-grade parking, containing 260 parking spaces, all of which will be reserved for the residential units. All of the parking spaces are 9 feet wide with 21-foot wide drive aisles.



Access to the building is proposed from Middle Lane and “Market Street”. The access from “Market Street” will be one-lane inbound only. The access from Middle Lane will be a right-in/right-out only. The interior of the parking garage needs to be revised in the southeast corner and near the elevators to avoid a column and provide better circulation.



Block 4: USE2003-00673

Block 4 comprises the area on the east side of Maryland Avenue north of the public plaza. It is proposed to contain 20,948 gross square feet of retail space, which will include a CVS drug store with a drive-thru. The block will also contain 108 rental apartments on the second through fifth floors. A small stream channel (Frog Run) runs through a portion of this site area. Federal and State permits for areas within the stream and/or stream buffer must be obtained prior to the

issuance of grading permit. The applicant has applied for the required state and Federal permits. Mitigation will be required.

The above and below-grade parking deck provides 789 public spaces and 250 residential spaces. The proposed number of public spaces has recently been increased through the addition of another deck and a half to the top of the parking garage. The public spaces are 9 feet wide. Of the dedicated residential spaces, 6 will be 8.5 feet wide, while the balance will be 9 feet wide. There is a pending text amendment (TXT2003-00205) that would allow the 8.5 wide spaces with 24-foot wide drive aisles. Access is provided from Maryland Avenue and from Hungerford Drive. In addition, the drive-thru for the CVS pharmacy will be accessed from Beall Avenue. This also will be the entry point for trucks. This entry should be marked as “Drive-thru and Trucks Only” to discourage its use as an entry to the parking areas. Automobiles can gain access to the garage from the entries on Maryland Avenue and Hungerford Drive. Some revisions to the interior layout of the parking garage may be needed in the area of the loading docks and with certain drive aisles. Also, there needs to be a handicapped ramp from the garage to the “via” that connects to Maryland Avenue. Finally, there must be no truck access from Maryland Avenue into the garage.

Block 4 is physically connected to Block 5 above the Maryland Avenue garage entry, though there is no intent to provide a direct connection between the buildings. It should be noted that as of the date of this staff report, activities are underway to acquire the automobile filling station and townhouse offices that occupy much of the site of Block 4.



Block 4 Façade – Beall Ave.



Block 4 Façade – Rt. 355

Block 5: USE2003-00674

Block 5 is located on the east side of Maryland Avenue south of the public plaza, with frontage on Middle Lane. It will contain 35,291 square feet of ground level retail and 148 rental apartments. The buildings fronting on the Town Square will be 6 stories tall and the remainder will be 5 stories tall. Below-ground parking is proposed for 104 public spaces and 165 residential spaces. All of the parking spaces in the garage are 9 feet wide. Access to the garage will be through the vehicular and pedestrian “via” that shares access with Block 4 opposite the public plaza, and also a driveway shared with the Foulger-Pratt project on Middle Lane.

The garage access also includes a pedestrian way that provides pedestrians access to the public plaza, and also to a lobby entry to the residential units. The garage entry on Middle Lane is

opposite future Renaissance Street (approved as part of the RCI project), and will allow full turning movements.



Analysis

Consideration of these use permits involves both the general layout of the buildings and associated parking garages, and the exterior treatment of the facades. The Mayor and Council have previously approved the Use Permit for the public improvements and infrastructure (USE2003-00670). This approval covered the sidewalks, public plaza, and public streets. It did not cover improvements internal to the blocks.

Although each of the blocks has been filed as a separate use permit, the project will operate as an integrated whole. There will be a number of conditions of approval that will be applicable to all of the blocks. The project is also proposing the creation of a commercial management district

(CMD) by the Mayor and Council that will be responsible for the upkeep and maintenance of all of the publicly-accessible areas of the project that will remain in private ownership. A CMD is recommended to ensure an adequate level of funding to support the maintenance needs of the project. The City will be responsible for maintaining the plaza and roads. However, there may be some public areas for which the City will contract with the CMD to carry out certain maintenance functions. In order to assure the limits of private vs. public responsibilities, the CMD must be established prior to the issuance of building permits for the four blocks.

General Architectural Treatment

The Mayor and Council will approve the overall design of the project with a recommendation from the Planning Commission. The goal has been to achieve a project that appears to have been created over time. This is to be achieved by dividing the various public facades into bays, which are then treated as if they had been built separately. This involves features reflecting different styles of architecture, façade articulation (window designs, colors, balconies, etc.), and roof treatments (different slopes, different surface treatments such as shingle or standing seam metal, dormers, etc.) Anticipated changes include identification of units that will have balconies, an increased variety of window styles/heights between adjacent buildings, variation in colors, variation in roof treatments, variations in detailing of individual buildings while maintaining or enhancing the overall quality of the individual “buildings”. Storefronts must adhere to the Town Center Design Guidelines. Among other things, storefronts should avoid corporate templates, encourage variety between adjacent storefronts, utilize durable and attractive materials, and provide a high degree of transparency from the street into the store. Approval of these Use Permits constitutes approval of the overall design of the project as presented by the applicants. Storefront guidelines to achieve these goals will be submitted for approval by the Mayor and Council. Individual storefront designs will be reviewed at the time of building permit application.

Public art is required to be provided throughout the project, in accordance with the provisions of Chapter 4 of the City Code. The final locations and designs will be determined on a case-by-case basis at the time of building permit approval. Necessary easements needed to install public art within the private elements of the project will be executed at that time as well.

Façade Treatments

The architects for the project have presented a preliminary exhibit of possible façade materials. These include brick in several colors, cast stone, and other finishing materials that can be treated to provide a variety of colors and textures. The same goes for specific details such as exact window selections, balcony treatments, and architectural detailing. Decisions on exactly which materials will be used for each location will be finalized prior to building permit issuance, since issues of material cost and availability can only be made at that point. Final design approval will be done by the staff, generally consistent with the Town Center Guidelines and representations made in the use permit approvals.

Staff Recommendation

The staff recommends approval of the Use Permits with the following conditions and modifications to the plans as shown on Exhibit "A", the record set of drawings that identify the necessary references to the specific conditions of approval:

Town Square – General Use Permit Conditions for all 4 blocks

1. Approval of the overall design of the project facades, generally consistent with the drawings and renderings presented for the record on March 11, 2004.
2. Final approval of design details for individual facades, including materials, window styles, variation in window locations and architectural details, will be made by the staff, consistent with the Town Center Design Guidelines, the Town Center Master Plan, and guidance of the Mayor and Council.
3. Provide a phasing plan for review and approval by DPW prior to building permit issuance to illustrate how public utility services, parking, and vehicular and pedestrian access to all other public facilities will be accommodated during construction phasing. No occupancy permits will be issued without adequate public facility extensions, sufficient parking or adequate vehicular and pedestrian access as determined by DPW.
4. A Transportation Demand Management (TDM) agreement must be executed between the applicant and the City of Rockville within 6 months of the issuance of building permits. This agreement will require payment of TDM fees of \$450,000 as set forth in the General Development Agreement. This sum will be incorporated into the TDM capital improvements program funds of the City.
5. Five bus shelters must be provided throughout Town Square. Locations for the shelters as follows: two on E. Middle Lane and one incorporated into the building façade on North Washington Street adjacent to existing bus stop. Two bus shelters should be located at the public plaza on Maryland Avenue which may be of special design, incorporated into the building facades, or a standard shelter, as approved by DPW.
6. Bike lockers and bike racks must be provided at safe and convenient locations approved by the Department of Public Works. Lockers must be provided at a rate of 1 bike locker for each 50 parking spaces associated with residential and office uses and at a rate of 1 bike rack for each 50 spaces associated with retail uses as shown on table 1.

Table 1			
Block	Retail	Residential	Total
1&2	234	234	468
3B	0	260	260
4	789	250	1,039
5	104	165	269
Totals	1,127	909	2,036

Bike Racks= $1,127/50=23$

Bike Lockers= $909/50=18$

7. Adequate sight distance must be provided and maintained at all corners and driveways.
8. All two-way driveway entries must be 25 feet wide.
9. A 9-foot by 18-foot box must be provided for all parking spaces including angled parking. One square foot may be used for a column/meter zone at the two corners farthest from the driving aisle of the 9-foot by 18-foot parking space. Subject to a pending text amendment approval, a maximum of 5% of residential parking spaces may be 8.5-feet by 18-feet with 24 foot wide drive aisles.
10. Provide a 5-foot no-parking zone for maneuvering for all dead-end aisles.
11. Provide a 4-foot no-parking zone adjacent to all pedestrian access points.
12. Revision of parking spaces, if required, must comply with text amendment TXT2004-00205, or the current standards if the text amendment has not been adopted by the issuance of building permits.
13. Provide adequate lighting in all pedestrian vias to provide safe passage for pedestrians.
14. Provide truck turning movement exhibits for all blocks.
15. Outside speaker systems interconnected between different bays are prohibited. Outside speakers for individual restaurants and bars may be permitted to provide background music for outside seating areas. Background music shall be maintained at volume levels that do not exceed noise standard for nearby residences.
16. A maximum of 50% of the 2-foot storefront expansion zone in each block may be used for private use. The remaining 50% of the storefront expansion zone must remain free and clear at all times for pedestrian use.
17. The Mayor and Council must approve the storefront design guidelines and a comprehensive sign package.
18. Locations for public art and necessary easements to install art on private sites to be determined at the time of building permit approval.
19. The Commercial Management District must be established prior to the issuance of building permits for Use Permit applications USE2003-00671-674.
20. Show location of trash and recycling facilities within each building.
21. Below grade excavation must be dewatered per DPW sediment control requirements to an acceptable outfall.
22. Obtain all necessary approval and/or permits from the State for ground water and/or soil contamination mitigation prior to DPW issuing permits to allow grading.

USE2003-00672 - Blocks 1&2

1. Provide 14-foot aisle width between parcel pickup and parking spaces.
2. Provide curbed and raised medians as shown on the plan to delineate pedestrian pathway from North Washington Street to retail to be approved by DPW.
3. Provide bike racks adjacent to the entrance of the supermarket.

USE2003-00671 - Block 3B

1. Revise southeast corner of garage to allow better circulation. Column does not allow parking space in corner. Revise wall at elevators to allow better circulation. Reconfigure parking spaces as shown, which allows the same number of spaces.
2. Add bollard to eliminate illegal parking in front of stairwell access.

USE2003-00673 - Block 4

1. Driveway from Beall Avenue must be signed "Drive-thru and Trucks Only".
2. When there is no parking adjacent to drive aisles in garage structures, one-way aisles must be a minimum of 14-feet and two-way aisles must be a minimum of 18-feet. Two-way access is preferred. Revise garage layout to provide for these minimums in the area adjacent to the drive-thru lane and where applicable.
3. Provide a curb with handicap ramp at pedestrian access from garage to via at southwest corner of garage.
4. Access from Maryland Avenue to north driveway must be signed "No Trucks."
5. Obtain Federal and State permits for areas within the stream and/or stream buffer in the vicinity of Block 4 prior to DPW issuance of permits to allow grading.

USE2003-00674 - Block 5

1. Delineate loading areas to separate them from auto circulation.

Attachments:

1. Detailed Plans for Each Permit Application
2. Color Renderings of the Building Facades for Blocks 1&2 and 4.
3. PDP Approval Letter
4. Approved PDP Plan
5. Memo from Public Works regarding water and sewer service